IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

W.P.(C).No.24535 of 2006(U)

PETITIONER:-

K.R.DHANANJAYAN,
KALARIKKAL HOUSE, PALLURUTHY, COCHIN-6.

BY ADV. SMT.VANAJA MADHAVAN

RESPONDENTS:-

1. SECRETARY,
   MATTANCHERRY MAHAJENIC CO-OPERATIVE URBAN BANK,
   COCHIN-2.

2. JOINT REGISTRAR,
   CO-OPERATIVE SOCIETY, ERNAKULAM.

R1 BY ADV. SRI.C.S.RAMANATHAN
SRI.K.V.BHASI.

R2 BY SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - PHOTO COPY OF RELEVANT EXTRACT OF PASS BOOK.

EXT.P2 - NOTICE DATED 19.8.06 (PHOTO COPY) ISSUED BY RECOVERY OFFICER, MATTANCHERRY MAHAJANIK CO-OP. URBAN BANK LTD.

RESPONDENT'S EXHIBITS:- NIL.

- TRUE COPY -

K.Padmanabhan Nair,J.

W.P.(C).No.24535 of 2006-U

Dated, this the 19th day of February, 2007

JUDGMENT

The petitioner availed a loan of Rupees One Lakh in connection with the marriage of his daughter. He could not repay the loan amount. Hence the 1st respondent issued Exhibit P2 notice directing the petitioner to pay the entire amount in a lump. Challenging that order, this writ petition is filed.

2. The 1st respondent has filed a counter affidavit, contending that the writ petition itself is not maintainable. It is submitted that the petitioner committed default and hence the 1st respondent had no other option but to recall the loan and claim repayment of the entire amount.

3. Considering the facts and circumstances as projected in the writ petition, I am of the view that a breathing time can be given to the petitioner to pay off the debt. In case the petitioner files an application within two weeks from today demanding a statement of accounts, the 1st respondent-Bank

shall supply a statement of accounts to the petitioner. On receipt of such a statement of accounts, the petitioner shall deposit an amount of Rs.2,500/- (Rupees two thousand and five hundred only) and make an application claiming concessions, waiver of interest, instalment facility, etc. If such a request is made, the 1st respondent shall consider the same and pass appropriate orders. It goes without saying that if such a request is made, the 1st respondent shall not recover any penal interest and consider whether any concession can be given in the matter of rate of interest and also whether the petitioner can be allowed to repay the amount in five or ten monthly instalments. Such a decision shall be taken within two months from the date of receipt of such application. Until then, the coercive steps proposed to be taken shall stand adjourned.

K.Padmanabhan Nair
Judge

vku/-